REMARKS

Claims 1 and 33-45 were pending in this application.

Claim 1 was rejected under 35 U.S.C. § 102(e) as being anticipated by Sipin US 6,280,408. Claims 33-37 were rejected under 35 U.S.C. § 102(b) as being anticipated by DeVale US 5,464,391. Claims 38-40 and 42 were rejected under 35 U.S.C. § 102(b) as being anticipated by Rapoport et al. US 5,803,066. Claims 43-45 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ortiz US 5,886,267. However, claim 41 was deemed to be allowable if rewritten in independent form.

Thus, Applicants amend claim 38 to include all of the limitations of allowable claim 41. Claims 1, 33-37, 39, 41 and 43-45 have been cancelled without prejudice. Claims 40 and 42 have been amended to correct minor clerical errors. No new matter has been added.

Claims 40 and 42 at least derive their patentability from claim 38. Furthermore, claims 40 and 42 are believed to be patentable in their own right because the prior art fails to show or suggest that the flow sensor is disposable or includes a bypass channel as claimed.

With respect to claim 40, the Examiner has misinterpreted DeVale in that the cassette 30 is disposable, but the flow sensor 52 and pressure sensor 54 are not. DeVale teaches that the flow sensor and pressure sensor are permanently connected to the control unit 20 as shown in FIGS. 2 and 6-7. The description in column 5, lines 46-63, on which the Examiner relies, clearly indicates that the pressure sensor 54 is not in the fluid path, but outside of it by virtue of membrane 88. Furthermore, reference numeral 52 refers to a flow sensor rather than a distal pressure sensor as the Examiner claims. Similarly, Rapoport has only a flow sensor 72 (FIG. 9), only a single pressure sensor 104

(FIGS. 19 and 21, or a flow sensor 72 and a pressure sensor 90 (FIG. 18).

Finally, with respect to claim 42, the volume reservoir in FIG. 7 does not constitute a bypass channel in the sense used in the present application. In column 5, lines 11-28, Rapoport indicates that a volume reservoir 16 is coupled to the proximal end of the Starling resistor 10 merely to provide a capacitive volume that prevents excessive negative pressure from developing during total system occlusion. As such, the volume reservoir 16 is in series with the resistor 10 rather than a bypass channel in parallel therewith.

New claim 46 has been added to recite that the flow sensor and bypass channel are in a Y fitting. FIGS. 7-9 and page 9, lines 18-29 provide support for this claim. This combination of features is not shown or suggested by the prior art.

No fees or extensions of time are believed to be due in connection with this paper. However, please consider this a request for any extension required and charge Deposit Account No. 50-3118 for any additional fees required.

Applicants respectfully request favorable reconsideration of this application and a Notice of Allowance.

Respectfully submitted,
S. Cho, et al.

Customer No. 41155

HOSPIRA, INC.
Telephone: (224) 212-2889
Facsimile: (224) 212-2088

Michael R. Crabb
Registration No. 37,298
Attorney for Applicants